

REMARKS

Claims 1, 2, 4-6 and 9-13 are pending in this application. By this Amendment, claim 1 and 13 are amended and claims 3, 7 and 8 are canceled without disclaimer to or prejudice of the subject matter recited therein. Support for the amendment to claims 1 and 13 can be found at, for example, page 24, lines 8-26. No new matter is added. Reconsideration and prompt allowance of the application based on the above amendments and following remarks is respectfully requested.

Applicant appreciates the indication of allowable subject matter in claims 7 and 8.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Objection To The Claims

The Office Action objects to claim 3 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 3 has been canceled and thus, the objection with respect to this claim is now moot.

II. Rejection Under §103(a)

The Office Action rejects claims 1-6 and 9-13 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2003/0186107 to Maston et al. (hereinafter "Maston") in view of U.S. Patent No. 6,080,503 to Schmid et al. (hereinafter "Schmid") and U.S. Patent Application Publication No. 2003/0121601 to Tajima.

Applicants have amended claims 1 and 13 to include the allowable subject matter of claims 7 and 8. The rejection is thus moot in view of this amendment.

It is unnecessary to separately discuss the features recited in dependent claims 2-6 and 9-12 given the existence of clear and distinguishing features in independent claim 1.

Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Obviousness-Type Double Patenting

The Office Action provisionally rejects claims 1, 2, 6 and 11 on the ground of nonstatutory obviousness-type double patenting over claims 1-87 of copending Application No. 10/577,987 (hereinafter ";987"). The rejection is respectfully traversed.


Applicants respectfully assert that '987 fails to disclose "the external force application means in said separation facilitating step comprises a wedge-like member pressed in a direction of insertion into a gap between the pair of separators" and "said separation facilitating step inserts the external force application means into the gap between the pair of separators, while the external force application means is heated by the external heating means," as recited in independent claim 1. Thus, Applicants respectfully assert that the claimed features of claim 1 are patentably distinct from '987. Additionally, claims 2, 6 and 11 that depend are claim 1 are patentable at least in view of the patentability of claim 1, as well as for the additional features recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:MQW/tbm

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